



PATENT
20959/2140 (P63469)

DAE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Huwig et al.)
Serial No : 10/658,953)
Cnfrm. No. : 3518)
Filed : September 10, 2003)
For : ACID-CONTAINING DESENSITIZATION)
AGENTS FOR TEETH)

MAIL STOP
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

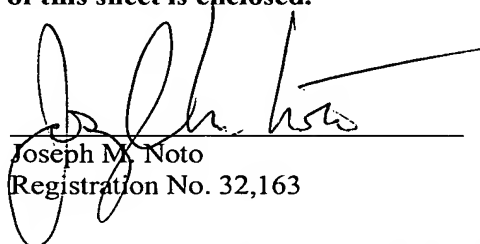
Sir:

Transmitted herewith in the above-identified application are:

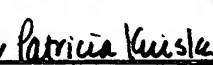
- ☒ Petition For Correction of Filing Date (2 pages);
- ☒ Marked copy of Official Filing Receipt (2 pages) with Exhibits A;
- ☒ Copy of Utility Patent Application Transmittal Letter (1 page) with Exhibit B.
- ☒ Copies of Express Mail Certificates (7 pages) with Exhibit C;
- ☒ Copy of Express Mail Receipt (1 page) with Exhibit D;
- ☒ USPS Track & Confirm from internet (1 page) with Exhibit E;
- ☒ The Commissioner is hereby authorized to charge any necessary fees to Deposit Account No. 14-1138.

A duplicate copy of this sheet is enclosed.

Date: 12/12/03


Joseph M. Noto
Registration No. 32,163

Nixon Peabody LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603
Telephone: (585) 263-1601
Facsimile: (585) 263-1600

Certificate of Mailing - 37 CFR 1.8(a)	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450, on the date below.	
Date <u>12/12/03</u>	Patricia Knisley 



PATENT
Docket No.: 20959/2140 (P 63469)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Huwig et al.)	Examiner:
)	Unknown
Serial No.	:	10/658,953)	
)	
Cnfrm. No.	:	3518)	Art Unit:
)	1614
Filed	:	September 10, 2003)	
)	
For	:	ACID-CONTAINING DESENSITIZATION)	
		AGENTS FOR TEETH)	
)	

**PETITION FOR CORRECTION OF FILING DATE
UNDER 37 CFR §1.10(d)**

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants submit that the presently accorded filing date of September 9, 2003, is incorrect. Therefore, pursuant to 37 CFR § 1.10(d), applicants hereby petition the Commissioner for Patents to correct the accorded filing date of the above-identified application to reflect the actual filing date of September 10, 2003.

Applicants submit that this Petition is being filed in compliance with 37 CFR § 1.10(d)(1). A marked copy (indicating the erroneous filing date) of the Official Filing Receipt is attached hereto as Exhibit A.

Applicants also submit that the Express Mail No. EV139569498US was placed on the Express Mail Certificates accompanying the above-identified application and its Transmittal Letter, which satisfies the requirements under 37 CFR § 1.10(d)(2). A copy of the Transmittal Letter is attached hereto as Exhibit B. Copies of all Express Mail Certificates filed with the present application are attached as Exhibit C.

As identified in the Transmittal Letter, accompanying the application (46 pages) and Transmittal Letter were: (a) preliminary amendment (9 pages) (b) newly executed combined Declaration and Power of Attorney (3 pages); (c) information disclosure statement (1 page) and copies of references; (d) assignment and recordation form cover sheet (3 pages); (e) certified copy of priority document; (f) a pre-paid return receipt postcard; (g); two checks in the amounts of \$876.00 and \$40.00 (see Exhibit B). An Express Mail Certificate signed by Shawn A. Lockett accompanied

each of the following: the Transmittal Letter; the Fee Transmittal for FY2003; the preliminary amendment; the application and the signed Combined Declaration and Power of Attorney form; the drawing sheets; the information disclosure statement and references; the recordation form cover sheet and assignment; and the certified copy of foreign priority document.

Each of these materials was placed into the Express Mail package bearing Express Mail No. EV139569498US, and the sealed Express Mail package was delivered by Mr. Lockett to a representative of the U.S. Postal Service ("USPS") at the U.S. Post Office, Midtown Plaza Station, Rochester, New York 14604 on September 10, 2003. An Express Mail receipt was provided to Mr. Lockett by the representative of the USPS and this receipt was placed in the appropriate Nixon Peabody file, bearing docket number 20959/2140, by a docketing clerk (attached as Exhibit D).

In compliance with 37 CFR § 1.10(d)(3), applicants present herewith the Express Mail receipt returned to applicants' representatives following deposit of the Express Mail package bearing Express Mail No. EV139569498US with the USPS. The Express Mail receipt also bears Express Mail No. EV139569498US (upper left corner) and the attorney docket number 20959/2140 (P63469) (in the lower left). This is the same docket number present on the Transmittal Letter and the Express Mail Certificates (compare Exhibits B, C, and D). The Express Mail receipt bears a hand-stamp date of September 10, 2003 whereas the "date in" box is incorrectly hand written as "9/9/03". A copy of a Track & Confirm page from the USPS website for Express Mail No. EV139569498US (attached as Exhibit E) confirms the acceptance of the above-identified Express Mail package on September 10, 2003, at 4:57 p.m. in Rochester, New York 14604. Applicants submit that this documentation conclusively indicates the mail date of September 10, 2003 as the correct filing date, satisfying the requirements under 37 CFR § 1.10(d)(3).

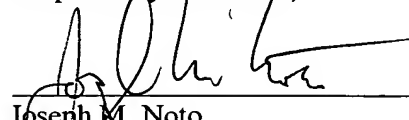
Although applicants believe that no fee is due upon consideration of this Petition, the Commissioner is authorized to charge any necessary fees to our Deposit Account No. 14-1138.

In view of all of the foregoing in satisfaction of the requirements under 37 CFR § 1.10(d), applicants respectfully request that the accorded filing date be corrected to read September 10, 2003 and that the U.S. Patent and Trademark Office mail a corrected filing receipt to applicants' representative.


Date: 12/12/03

Nixon Peabody LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603
Telephone: (585) 263-1601
Facsimile: (585) 263-1600

Respectfully submitted,



Joseph M. Noto
Registration No. 32,163

Certificate of Mailing - 37 CFR 1.8(a)	
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Date <u>12/12/03</u>	<u>Patricia Knisley</u> 



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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/658,953	09/09/2003 09/10/2003	1614	876	20959/2140 (P 63469)	3	27	2

CONFIRMATION NO. 3518

Nixon Peabody LLP
Clinton Square
P.O. Box 31051
Rochester, NY 14603-1051

FILING RECEIPT



OC000000011395325

Date Mailed: 12/02/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Alexander Karl Huwig, Horgen, SWITZERLAND;
Norbert Moszner, Eschen, LIECHTENSTEIN;
Frank Zeuner, Vaduz, LIECHTENSTEIN;
Volker Rheinberger, Vaduz, LIECHTENSTEIN;

Domestic Priority data as claimed by applicant

Foreign Applications

GERMANY 102 45 212.1 09/27/2002

If Required, Foreign Filing License Granted: 12/02/2003

Projected Publication Date: 04/01/2004

Non-Publication Request: No

Early Publication Request: No

Title

Acid-containing desensitization agents for teeth

ENTERED
Nixon Peabody LLP

DEC 10 2003

FILE
EXT 20959/2140
pk

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



EXPRESS MAIL CERTIFICATE

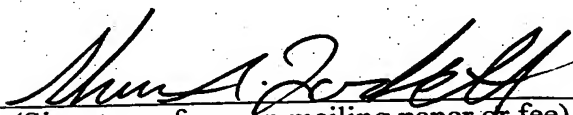
DOCKET NO. : 20959/2140 (P 63469)
APPLICANT(S) : Alexander Karl Huwig, Norbert Moszner, Frank Zeuner, and
Volker Rheinberger
TITLE : ACID-CONTAINING DESENSITIZATION AGENTS FOR
TEETH

Certificate is attached to the **Utility Patent Application Transmittal Form**
(1 page) (in duplicate) of the above-named application.

"EXPRESS MAIL" NUMBER: EV139569498US
DATE OF DEPOSIT: September 10, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Shawn A. Lockett
(Typed or printed name of person mailing
paper or fee)


(Signature of person mailing paper or fee)

EXPRESS MAIL CERTIFICATE

DOCKET NO. : 20959/2140 (P 63469)

APPLICANT(S) : Alexander Karl Huwig, Norbert Moszner, Frank Zeuner, and
Volker Rheinberger

TITLE : ACID-CONTAINING DESENSITIZATION AGENTS FOR
TEETH

Certificate is attached to the Fee Transmittal for FY 2003 (1 page)
(in duplicate) of the above-named application.

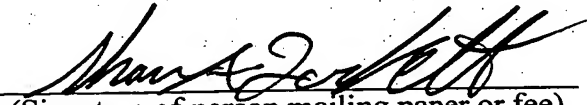
"EXPRESS MAIL" NUMBER: EV139569498US

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Shawn A. Lockett

(Typed or printed name of person mailing
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(Signature of person mailing paper or fee)

EXPRESS MAIL CERTIFICATE


DOCKET NO. : 20959/2140 (P 63469)
APPLICANT(S) : Alexander Karl Huwig, Norbert Moszner, Frank Zeuner, and
Volker Rheinberger
TITLE : ACID-CONTAINING DESENSITIZATION AGENTS FOR
TEETH

Certificate is attached to the Preliminary Amendment (9 pages) of the above-named application.

"EXPRESS MAIL" NUMBER: EV139569498US
DATE OF DEPOSIT: September 10, 2003

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Shawn A. Lockett
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DOCKET NO. : 20959/2140 (P 63469)
APPLICANT(S) : Alexander Karl Huwig, Norbert Moszner, Frank Zeuner, and
Volker Rheinberger
TITLE : ACID-CONTAINING DESENSITIZATION AGENTS FOR
TEETH

Certificate is attached to the Specification, Claims, and Abstract (46 pages) and the SIGNED Combined Declaration and Power of Attorney (3 pages) of the above-named application.

"EXPRESS MAIL" NUMBER: EV139569498US
DATE OF DEPOSIT: September 10, 2003

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Shawn A. Lockett
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EXPRESS MAIL CERTIFICATE


DOCKET NO. : 20959/2140 (P 63469)
APPLICANT(S) : Alexander Karl Huwig, Norbert Moszner, Frank Zeuner, and
Volker Rheinberger
TITLE : ACID-CONTAINING DESENSITIZATION AGENTS FOR
TEETH

Certificate is attached to the **Information Disclosure Statement, PTO-1449 Form**
(1 page) (in duplicate) and 10 references of the above-named application.

"EXPRESS MAIL" NUMBER: EV139569498US
DATE OF DEPOSIT: September 10, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal
Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date
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Shawn A. Lockett
(Typed or printed name of person mailing
paper or fee)


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EXPRESS MAIL CERTIFICATE

DOCKET NO. : 20959/2140 (P 63469)
APPLICANT(S) : Alexander Karl Huwig, Norbert Moszner, Frank Zeuner, and
Volker Rheinberger
TITLE : ACID-CONTAINING DESENSITIZATION AGENTS FOR
TEETH

Certificate is attached to the Assignment and Assignment Cover Sheet
(3 pages) of the above-named application.

"EXPRESS MAIL" NUMBER: EV139569498US
DATE OF DEPOSIT: September 10, 2003

I hereby certify that this paper or fee is being deposited with the United States
Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the
date indicated above and is addressed to the Mail Stop Patent Application, Commissioner for
Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Shawn A. Lockett

(Typed or printed name of person mailing
paper or fee)


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EXPRESS MAIL CERTIFICATE

DOCKET NO. : 20959/2140 (P 63469)
APPLICANT(S) : Alexander Karl Huwig, Norbert Moszner, Frank Zeuner, and
Volker Rheinberger
TITLE : ACID-CONTAINING DESENSITIZATION AGENTS FOR
TEETH

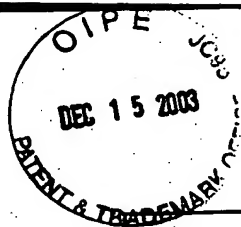
Certificate is attached to the **Certified Copy of a Foreign Priority Document**
(German Application No. 102 45 212.1) (50 pages) of the above-named application.

"EXPRESS MAIL" NUMBER: EV139569498US
DATE OF DEPOSIT: September 10, 2003

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Shawn A. Lockett
(Typed or printed name of person mailing
paper or fee)


(Signature of person mailing paper or fee)



**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	20959/2140 (P. 63469)
First Inventor	Huwig
Title	ACID-CONTAINING DESENSITIZATION AGENTS FOR TEETH
Express Mail Label No.	EV139569498US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Mail Stop Patent Application
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P.O. Box 1450
Alexandria, Virginia 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 46]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications *(if applicable)*
 - Statement Regarding Fed sponsored R & D *(if applicable)*
 - Reference to sequence listing, a table, or a computer program listing appendix *(if applicable)*
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings *(if filed)*
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 3]
5. Oath or Declaration [Total Pages 3]
 - a. ☒ Newly executed (original or copy)
 - b. ☐ Unsigned
 - c. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies; or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document *(if applicable)*
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☒ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: _____/_____

Prior application information:

Examiner: _____

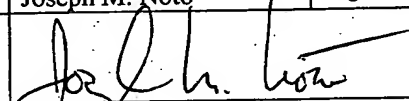
Group / Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

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Name	Nixon Peabody LLP				
Address	Clinton Square, P.O. Box 31051				
City	Rochester	State	NY	Zip Code	14603-1051
Country	USA	Telephone	(585) 263-1601	Fax	(585) 263-1600
Name (Print/Type)	Joseph M. Noto	Registration No. (Attorney/Agent)	32,163		
Signature				Date	9-10-03

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EV 139569498 US

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Date 10/03	<input checked="" type="checkbox"/> Next <input type="checkbox"/> Second <input type="checkbox"/>	Postage \$21.05
Time 1:57 PM	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Return Receipt Fee <input type="checkbox"/>
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No Delivery <input type="checkbox"/>	Acceptance Clerk Initials <i>[Signature]</i>	Total Postage & Fees \$21.05

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Mo. Day		
Delivery Attempt <input type="checkbox"/>	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature <i>[Signature]</i>
Mo. Day		
NO DELIVERY <input type="checkbox"/>	Weekend <input type="checkbox"/> Holiday <input type="checkbox"/>	Customer Signature <i>[Signature]</i>

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METHOD OF PAYMENT:

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NIXON PEABODY LLP

1300 CLINTON SQ

ROCHESTER NY 14604-1730

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(JMN 5952)

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Your item was delivered at 10:40 am on September 11, 2003 in ALEXANDRIA, VA 22313 to PATENT OFFICE. The item was signed for by J STECKEL.

Here is what happened earlier:

- ARRIVAL AT UNIT, September 11, 2003, 8:38 am, DULLES, VA 20102
- ACCEPTANCE, September 10, 2003, 4:57 pm, ROCHESTER, NY 14604

Notification Options

- ▶ Track & Confirm by email
- ▶ Request Proof of Delivery

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